Remarks/Arguments:

Applicants wish to thank Primary Examiner Karen A. Canella, Ph. D., for marking the final Office Action to acknowledge the foreign priority claim under §119 and receipt of the certified copy of the priority document, as previously requested.

Claims 17 and 23, currently amended, and claims 18-22, 24, and 27-32, previously presented, are pending.

Claims 1-16, 25, and 26 are canceled, without prejudice or disclaimer.

Claim 17 is amended, hereby, to expressly recite an inherent limitation on the claim. A limitation is inherent when "it must invariably happen" as a result of the expressly recited limitations. *See Gubelmann v. Gang*, 161 USPQ 216, 222 (CCPA 1969). Claim 17 (currently amended) now expressly recites that the "thawed lysate"—obtained by thawing the frozen tumor cell lysate—includes fragments of the tumor cell membranes, i.e., membrane fragments that must invariably happen when the tumor cells are lysed. Since the "thawed lysate, containing fragments of the tumor cells," as recited in claim 17 (currently amended), "must invariably happen" when "the tumor cell lysate is thawed," as recited in the claim, it merely expresses that to which the claim was, already, inherently limited. *Gubelmann*, 161 USPQ at 222.

The amendment to claim 17 is appropriate after final rejection since it requires no further search or consideration by the examiner. That is, since the instant amendment to claim 17 does not further limit the claim—merely expressing an inherent limitation on the (non-amended) claim—no further search or consideration of the claim is necessary.

Claim 23 is amended, hereby, to correct a clerical error. As evident from original claim 6, claim 23 is rewritten to recite "the maturing from immature to ~~immature~~ mature dendritic cells."

Claims 17-24 and 27-32 stand rejected under 35 USC 103(a) as allegedly unpatentable based on *J. Urol., 161*, 777-792, 1999 (Höltl) in view of *Anticancer Research 17*, 1997, 3117-3120 (Grossmann). Reconsidered is requested.

As previously submitted (Amendment filed March 13, 2006), a salient feature of the presently claimed invention is that a crude cell lysate is obtained by "freezing" a suspension of treated whole (non-lysed) cells. After thawing, this crude cell lysate (which contains, *i.a.*, fragments of the tumor cell membrane) is mixed and incubated with immature dendritic cells. From this incubated mixture, the mature dendritic cells—which have taken up cytosolic components **and** membrane components (fragments)—are harvested, i.e., the mature dendritic cells present fragments of the molecules they have taken up on their cell surface. Neither these mature dendritic cells nor applicants' claimed method of their production is taught or suggested by the cited references.

With respect to the (aforesaid) previously submitted remarks, the statement of rejection maintaining (Office Action, pages 4-5)

> the requirement for a cell suspension having pieces of tumor membrane is not part of the claim limitations. The claims require the use of a "crude lysate" which can be satisfied by the use of any cell lysate that is a mixture versus a pure substance.

As indicated, above, the claims are, now, amended to expressly recite what was, allegedly, "not part of the claim limitations." The statement of rejection does not allege, let alone demonstrate, that "the requirement for a cell suspension having pieces of tumor membrane" is supported by either of the

cited references, taken alone or in combination. Accordingly, since "the cited references do not support each limitation" of the claims, the rejection under §103(a) is "inadequate on its face." *In re Thrift*, 63 USPQ2d 2002, 2008 (Fed. Cir. 2002). When conducting an obviousness analysis, "all limitations of a claim must be considered in determining the claimed subject matter as is referred to in 35 U.S.C. 103 and it is error to ignore specific limitations distinguishing over [each cited] reference." *Ex parte Murphy*, 217 USPQ 479, 481 (PO Bd. APP. 1982). Accordingly, withdrawal of the rejection under §103(a) appears to be in order.

Favorable action is requested.

Respectfully submitted,

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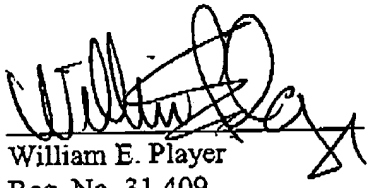
By 

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